

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MAGGIE THOMAS,

Plaintiff,

v.

JAMES HINES, individually and
in his official capacity, and CITY
OF ATLANTA,

Defendants.

CIVIL ACTION FILE NO.
1:22-cv-04417-SDG

**DEFENDANT CITY OF ATLANTA’S MOTION TO STAY
PROCEEDINGS AND BRIEF IN SUPPORT THEREOF**

COMES NOW, Defendant **CITY OF ATLANTA** (the “City”), named as a Defendant in the above-styled caption, and files this Motion to Stay Proceedings and Brief in Support Thereof, showing this Honorable Court as follows:

BACKGROUND

In this civil rights lawsuit under 42 U.S.C. § 1983, Plaintiff Maggie Thomas alleges that the City is liable to her under *Monell v. New York Department of Social Services*, 436 U.S. 658 (1978). [See Doc. 1-1, Compl. at

¶¶ 11, 45]. The City moved to dismiss the Complaint for failure to state a claim. [See Doc.2]. The City’s Motion is presently pending before the Court.

A ruling in the City’s favor would resolve the entire case against it, thus making discovery unnecessary. In order to avoid the potentially unnecessary cost and burden of litigation, the City therefore requests that discovery, including all disclosures and planning conferences pursuant to Fed. R. Civ. P. 16 and 26, be stayed pending a ruling on the City’s Motion to Dismiss.

ARGUMENT

Rule 26(d) gives the Court broad discretion to alter the sequence of discovery “for the convenience of the parties . . . and in the interests of justice.” Fed. R. Civ. P. 26(d). *See also Panola Land Buyers Ass’n v. Shuman*, 762 F.2d 1550, 1558-59 (11th Cir. 1985) (district court has “broad discretion to stay discovery until the district court rules on a pending dispositive motion”). The Court should stay all discovery in the interests of efficiency and justice through its powers under Fed. R. Civ. P. 26 and issue a stay relieving the City from having to exert any additional resources pending a ruling on its Motion to Dismiss. *See Patterson v. United States Postal Serv.*, 901 F.2d 927, 929 (11th Cir. 1990) (trial court properly stayed discovery pending ruling on motion to dismiss); *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997) (holding “facial challenges to the legal sufficiency of the claim or defense,

such as a motion to dismiss based on failure to state a claim for relief, should be resolved before discovery begins”).

Indeed,

Allowing a case to proceed through the pretrial processes with an invalid claim that increases the costs of the case does nothing but waste the resources of the litigants in the action before the court, delay resolution of disputes between other litigants, squander scarce judicial resources, and damage the integrity and the public’s perception of the federal judicial system.

Chudasama, 123 F.3d at 1368.

Granting this stay therefore promotes judicial economy. If the City prevails, the stay will protect it from the burden of responding to unnecessary discovery. Even if the Court denies the Motion, or allows Thomas an opportunity to amend in light of the Motion, granting the stay will narrow the focus of the case and establish the proper scope of discovery. Moreover, litigation efficiency does not infringe on any party’s rights.

CONCLUSION

WHEREFORE, Defendant City of Atlanta respectfully requests that the Court GRANT this Motion to Stay Proceedings during the pendency of the City’s Motion to Dismiss and STAY all disclosures, planning conferences, and other discovery in this matter until the Motion is fully adjudicated.

Respectfully submitted this 11th day of November, 2022.

HALL BOOTH SMITH, P.C.

/s/ Russell A. Britt

R. DAVID WARE

Georgia Bar No. 737756

RUSSELL A. BRITT

Georgia Bar No. 473664

PEARSON K. CUNNINGHAM

Georgia Bar No. 391024

*Counsel for Defendant City of
Atlanta*

191 Peachtree Street, N.E.
Suite 2900
Atlanta, GA 30303-1775
Tel: 404-954-5000
Fax: 404-954-5020
Email: dware@hallboothsmith.com
Email: rbritt@hallboothsmith.com
Email: pcunningham@hallboothsmith.com

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D of the United States District Court of the Northern District of Georgia, the undersigned certifies that the foregoing submission to the Court complies with the typeface and style requirements in that it contains 13-point Century Schoolbook font.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **Defendant City of Atlanta's Motion to Stay Proceedings and Brief in Support Thereof** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows and/or filing said document with the CM/ECF system which will automatically send electronic notification to the following:

Eldridge Suggs, IV, Esq.
Robbin Shipp, Esq.
Suggs Law Firm, P.C.
One Alliance Center
3500 Lenox Road, N.E., Suite 710
Atlanta, GA 30326
esuggs@suggslaw.com
rshipp@suggslaw.com

Respectfully submitted this 11th day of November, 2022.

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Georgia Bar No. 391024

*Counsel for Defendant City of
Atlanta*

191 Peachtree Street, N.E.
Suite 2900
Atlanta, GA 30303-1775
Tel: 404-954-5000
Fax: 404-954-5020
Email: dware@hallboothsmith.com
Email: rbritt@hallboothsmith.com
Email: pcunningham@hallboothsmith.com